

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

BERNARD BARTON.

Plaintiff,

V.

**DAVE HEINEMAN, JON BRUNING,
NEBRASKA STATE PATROL, BRYAN
TUMA, RYAN HAYES, JIM PARISH,
and MARK STOKEY,**

Defendants.

CASE NO. 7:11CV5000

MEMORANDUM AND ORDER

This matter is before the court on Plaintiff Bernard Barton’s (“Barton”) “Motion to Amend Judgment,” which the court liberally construes as a motion to alter or amend a judgment pursuant to [Federal Rule of Civil Procedure 59\(e\)](#). Rule 59(e) permits a motion to alter or amend a judgment if filed no later than 28 days after the entry of judgment. District courts have broad discretion in determining whether to grant a Rule 59(e) motion. [*Innovative Home Health Care, Inc. v. P.T.-O.T. Assocs. of the Black Hills*, 141 F.3d 1284, 1286 \(8th Cir. 1998\)](#). A motion to alter or amend serves “the limited function of correcting manifest errors of law or fact or to present newly discovered evidence.” [*United States v. Metro St. Louis Sewer Dist.*, 440 F.3d 930, 933 \(8th Cir. 2006\)](#).

Barton's Rule 59(e) motion was timely filed in response to the court's March 13, 2013, Memorandum and Order, which granted Defendant Mark Stokey's Motion for Summary Judgment. Barton argues in his motion that the court failed to address his argument that Defendant Mark Stokey placed him under "false arrest." (Filing No. [65](#).) Barton did not raise a "false arrest" argument in any coherent way against Defendant Mark Stokey in his Second Amended Complaint. (See Filing No. [36](#); see *a/so* Filing No. [63](#), n.2

(“Barton’s peculiar writing style makes his allegations very difficult to decipher. . . . The court previously warned Barton to ‘use plain language’ in discussing his claims.”) Accordingly, the court did not address such an argument, and no manifest error of law or fact need be corrected.

IT IS THEREFORE ORDERED that: Barton’s “Motion to Amend Judgment” (Filing No. [65](#)) is denied.

DATED this 17th day of April, 2013.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge

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